THE CHARTER OF ROMNEY MARSH.

John Brown

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Charta Henrici Regis Angliæ de ordinatione Marisei de Romene.

HEnricus Dei gratia, Rex Angliæ, Dominus Hibernie, Dux Normandie, & Comes Andeg. Omnibus Balliues suis & fidelibus suis, ad quos presentes litere prevenerint, salutem. Quia per viginti quatuor legales homines de mariſco de Romeney, a tempore quo non extat memoria, ad hoc electos & Iuratos, debent districtiones fieri, super omnes illos qui terras & tenementa habent in dicto mariſco, ad reparandum wallias & watergangia ejusdem mariſci contra maris periculum. Et etiam super omnes, qui ad reparationem predictarum walliarum & watergangiorum obligatia sunt & tenenter, Nos concessimus ejusdem viginti quatuor, quod pro securitate dicti mariſci, districtiones illas fieri faciant, ita quod eque fiant, secundum portiones maiores & mino-

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The Charter of Henry K. of England, concerning the Ordinance of Romeney Marsh.

HEnry by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Earle of Andeg. To all his Bayliffes and faithfull Subjects, to whom theſe preſent letters ſhall come, greeting. Becauſe by foure and twenty lawfull men of Romney Marſh (time out of minde) hereunto choſen and ſworne, diſtreſſes ought to be made upon all thoſe w^ch have land & Tenements in the ſaid marſh, to repaire the walles, and watergauges of the ſame marſh, againſt the daungers of the Sea. And alſo upon all thoſe which are bound & charged for the reparation of the ſaid walles and watergauges: We have granted to the ſame foure and twenty, that for the ſafety of the ſaid marſh, they cauſe thoſe diſtreſſes to be done, ſo that they be made equall, according to the portions greater & leſ-

ſer, which men have in the ſame Marſh, and according to that which ſome are bound and charged. And therefore wee will & grant, that none of our Sheriffes of Kent, or any his Bayliffes, doe in any wiſe intermeddle touching thoſe diſtreſſes made by conſideration of the ſame danger. For whoſoever ſhall bring complaint unto us, of the conſideration of thoſe diſtreſſes, we will cauſe juſtice to be done unto him in our Court, and that Juſtice we reſerve ſpecially to our ſelfe, or our ſpeciall commandement. In witneſſe whereof, theſe letters we have cauſed to be made patents. Witneſſe my ſelfe of at S. *Edmonds*, the ſecond day of *September*, in the ſixe and thirtieth yeare of Our raigne.

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res, quas homines habent in eodem mariſco, & ſecundum quod quidam ad hoc obligantur & tenentur. Et ideo volumus & concedimus, quod nullus vicecomes noſter Scanciæ, vel aliquis Ballivorum, ſuorum, de diſtrictionibus illis per conſiderationem predictorum viginti quatuor Juratorum factis propter predictum periculum evitandum, in aliquo ſe intromittant. Quicunque enim de conſideratione ipſarum diſtrictionum, ad nos querelam detulerit, nos ei in Curia noſtra juſtitiam fieri faciemus, & illam juſtitiam nobis vel mandato noſtro ſpeciale, ſpecialiter reſervamus. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud ſanctum Edmundum. *Secundo die* Septembris. *Anno regni noſtri triceſimo ſexto.*

¶ Ordinatio Henrici de Bathonia, Justiciari domini regis Henrici, filii regis Johannis, facta per preceptum ejusdem domini regis, super contentione orta inter viginti quatuor Juratores & homines de mariſco de Romenale, de reparatione walliarum & watergagiorum, ibidem existentium apud Romenal, die Sabbati proximè post Nativitatem beate Marie Virginis, Anno regni regis Henrici predicti quadragesimo secundo, associatis sibi Nicholao de Handlo, & Aulredo de Dene, &c.

DOminus rex mandavit predicto Henrico de Bathonia, quod cum judicia fieri debeant per viginti quatuor legales homines, de mariſco de Romenal, ad distructiones faciendas super omnes illos, qui terras, & tenementa habent in predicto mariſco, ad reparandum wallias & watergaugia ejusdem mariſci, contra maris impetum & inundationem aliarum aquarum. Et etiam super omnes illos qui ad reparationem predictarum walliarum & watergaugiorum aliàs obligati sunt vel tenentur. Et ejusdem viginti quatuor Juratis, Dominus rex, per literas suas patentes, nuper

¶ *The Ordinance of Henry of Bathonia, Justice of our Lord King Henry, sonne of King John, made by precept of the same Lord the King, upon contention arisen betweene the foure and twenty Jurors, and the men of Romeney Marsh, touching reparation of the Walles and watergauges there being, at Romeney, on Saterday next after the Nativity of the blessed Virgin Mary, in the two and fortieth yeare of the said King* Henry, *adjoyning to him Nicholas of Handlo, and Aulred of Dene, &c.*

OUr Lord the King hath given in charge to Henry of Bathonia, that whereas judgement ought to bee done by foure and twenty lawfull men of Romeney marsh, to destraine upon all those which have lands and tenements in the said marsh, to repaire the walls and watergauges of the same marsh, against the force of the Sea, and inundation of other waters, and also upon all those which are bound and charged with the reparation of the same walls and watergauges. And to the same foure and twenty Jurors, our Lord the King by his Letters Patents hath lately granted, that for safety of the said marsh, they should

cauſe diſtreſſes to bee made, ſo that they may bee duely done, according to the portions, greater or leſſe, which men have in the ſame marſh, and according as ſome are bound and holden hereunto. So that no Sheriffe of Kent of our Lord the King, or any his Bailiffes, doe in any wiſe intermeddle with thoſe diſtreſſes made by conſideration of the foreſaid foure and twenty Jurors for avoyding the danger aforeſaid. But if any ſhould thinke himſelfe grieved uniuſtly touching the conſideration of thoſe diſtreſſes, and would complaine thereof; hee ſhould bring his complaint unto him our Lord the King, and hee would cauſe Juſtice to bee done to him in his Court, and that Juſtice had ſpecially reſerved to him our Lord the King, or to his ſpeciall mandate. The ſaid foure and twenty Jurors (for the conſideration and reſiſtance of certaine men of the ſame marſh, which are bound to repaire the ſame walles and watergauges, according to the quantity of the lands and Tenements which they have in the ſame Marſh) cannot make the ſame diſtreſſes, wherby the walles and watergauges lye ruinated, By reaſon whereof the inundations of the Sea and other waters doe overflow a great part therof, to the great detriment of our ſaid Lord

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per conceſſiſſet, quod pro ſecuritate predicti mariſci, diſtrictiones predictas fieri facerent, ita quod debitè fierent, ſecundum portiones majores & minores, quas homines habent in eodem mariſco, & ſecundum quod quidam ad hoc obligantur vel tenen ur. Ita quod nullus Uicecomes domini regis Kancie, vel aliquis Ballivorum ſuorum, de diſtrictionibus illis per concideretionem predictorum viginti quatuor Juratorum factis propter periculum predictum evitandum, in aliquo ſe intromittant. Sed ſi quis de conſideratione predictarum diſtrictionem ſe injuſte gravatum ſentiret, & inde conqueri vellet, ad ipſum Dominum regem, querelam ſuam deferret, & ipſe ei in Curia ſua juſtitiam fieri faceret, & illam juſtitiam, ipſi domino regi vel mandato ſuo ſpeciali ſpecialiter reſurvaſſet, iidem viginti quatuor Juratores, propter conſiderationem & reſiſtentiam quarundam hominum de predicto mariſco, qui ad reparationem dictarum walliarum & watergagiorum, ſecundum quantitatem terrarum & tenementorum que habent in eodem mariſco tenentur, dictas diſtrictiones facere nequeant, unde wallie ille & watergaugia irreparate exiſtunt per quod inundationes maris & aliarum aquarum de dicto mariſco magnum occupant ſpatium, ad ipſias domini regis &

homi-

hominum dicti mariſci ineſtimabile diſpendium. Ipſe dominus rex, dictum Henricum conſtituit, Iuſticiarium ſuum, ad audiendum & terminandū contentiones ortas de reparatione predicta, inter predictos viginti quatuor Juratos & homines pred. ct Mariſci. Et providendum ſecuritati & defenſioni predicti mariſci, contra maris & aliarum aquarum inundationem & periculum, per reparationem predictarum walliarum & watergaugiorum faciendam, per eos qui ad reparationem illam, ſecundum quantitatem terrarum & tenementorum que habent in eodem mariſco tenentur, & ſecundum quod quidam at hoc, alias obligantur & tenentur. Mandans eidem Henrico, dictus dominus rex, quod ad diem & locum quos ad hoc duxerit providendum eſſet in partibus illis, ad predicta faciendum ſicut predictum eſt: Et quod ipſe quid inde f ri, ipſi domino regi in ſcriptis, diſtinctè & apertè ſcire faceret, ut idem dominus rex ea irrotulari facere poſſet, &c.

Per quod mandatum, idem Henricus die ſupradicto, exiſtens apud Rome al aſſociatis ſibi predicto Nicholao de Handlo, & Aulredo de Dene, & aſſiſtente eidem Vicecomite Kancie, qui per preceptum domini regis ad diem illum, coram illo venire fecit,

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the King, and men of the ſame Marſh. He our Lord the King, hath appointed the ſaid Henry, his Juſticer, to heare and determine the contentions ariſen touching the ſame reparation, betweene the ſame foure and twentie Jurors, and men of the ſaid Marſh. And to provide for ſecurity and defence of the ſaid Marſh againſt inundation and perill of the Sea and other waters, by reparation of the ſaid Walles and Watergages, to bee made by them which are bound to repaire it, according to the quantity of the lands and Tenements which they have in the ſame Marſh, and according to that which ſome are otherwiſe bound and holden hereunto. Our ſaid Lord the King commanding the ſaid Henry, that at the day and place which hee ſhould limit, hee ſhould provide to diſpatch the ſame as is aforeſaid: And what he ſhall doe herein, that to him the ſaid Lord the King hee make knowne diſtinctly and plainely in writing, that the ſame Lord the King might cauſe it to be inrouled, &c.

By which mandate, the ſaid Henry, in the day aforeſaid being at Romeney, ioyning to him the ſame Nicholas de Handlo, and Aulred of Dene, and the Sheriffe of Kent aſſiſting him, which by precept of our Lord the King at the ſame day, cauſed to come before him

him ſo many, and ſuch honeſt and lawfull men of his Bailiwick, by which the ſame ſtrifes may bee ended, and the ſame proviſion may the better bee effected, none of the ſame Marſh then withſtanding it; The ſaid Henry in the preſence of the Communalty of the ſaid Marſh then being there with their Councell pleading, ordayned as followeth: That is to ſay, that by the whole communalty of the ſame Marſh, twelve lawfull men may be choſen, to wit, ſixe of the fee of the Archbiſhop of Canterbury, and ſixe of the Barony, which being ſworne, ſhall meaſure the walles new and old, and thoſe which ought to bee new erected. And the ſame meaſuring ſhould bee done by one and the ſame pertch, to wit of twenty foot. And afterwards the ſame Jurors upon their oathes alſo by the ſame pertch ſhall meaſure by all the Acres lands and Tenements which are ſubiect to danger within the ſame Marſh: Which meaſurings being done, the twenty foure, by the communalty firſt elected and ſworne, having reſpect to the quantity of the walles, lands and Tenements which are ſubiect to perill, by their oath ſhall ordaine, how much appertaineth to every one to uphold and repaire the ſame walles. So that for the portion of Acres of lands lying

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tot & tales probos & legales homines de balliva ſua, per quod dicte contentiones terminari, & dicta proviſio melior fieri poſſunt, nullo homine de predicto mariſco tunc contradicente; Dictus Henricus communicatis predicti mariſci ſimiliter ibidem tunc exiſtentis, interueniente conſilio ordinavit in forma ſubſcripta: videlicet quod per totam communitatem dicti mariſci eligantur duodecim legales homines, videlicet ſex de feodo Archiepiſcopi Cantuarienſis, & ſex de baronia qui jurati menſurabunt wallias novas & antiquas, & illas qui de novo conſtrui oporteat. Et debet fieri eadem menſuratio per unam & eandem perticam, ſcilicet viginti pedum. Et poſtea predicti Jurati per eorum ſacramentem ſimiliter per eandem perticam menſurabunt, per acras omnes, terras & tenementa que infra dictum mariſcum periculo ſubjacent. Quibus menſurationibus factis, viginti quatuor per communitatem prius electi & jurati, habito reſpectu ad quantitatem walliarum, terrarum & tenementorum, que periculo ſubiacent, per eorum ſacramentum ordinabunt, quantum ad predictarum walliarum ſuſtentationem & reparationem faciendam & ſuſtinendam, ad quemlibet pertineat: Ita quod pro portione acrarum terrarum periculo ſubjacentium

singulis assignetur sua portio perticarum, & predicta assignatio fiat per loca certa. Ita ut sciatur ubi & per que loca, ad quantum singuli defendere teneantur. Et cum necessitas evenerit cujus occasione oporteat periculo & impetu maris obuiare vel resistere per reparationem walliarum predictarum, convenire debent viginti quatuor jurati, ad videndum per que loca predicta emineat necessitas, & cui & quibus predicta loca assignata fuerint defendenda, & ipsum erminum predicta loca oporteat reparare. Qui quidem communis Balliuus illis quibus predicta loca assignata fuerint defendenda, scire faciet, quod loca illa defendent, & reparare facient, infra terminum a predictis viginti quatuor Iuratoribus, assignatum, infra quem terminum, si ipsi ad hoc facere neglecterint: dictus balliuu communis de suo proprio, tales reparationes fieri faciet, per visum viginti quatuor Iuratorum. Et idem negligens eidem ballivo duplum reddere teneatur pro custa appositio circa hujusdmodi reparationes, quod duplū reservetur ad utilitatem dictarum reparationū Et super hoc hujus negligens distringinum possit per terras suas, infra dictum Mariscū. Et si alique perticule terrarum teneantur in communi, a participibus, ita quod ad quemlibet participem, pro portione partis suæ assignari

ſubject to danger, there bee aſſigned to every one his portion of Perches by certaine bounds: ſo as it may be knowne where and by what places every one ought to make defencible, and when neede ſhall be, by whoſe occaſion the perill and force of Sea ought to be withſtood by repairing the ſame walles, And there ought to come the foure and twenty Jurors to ſee through which of the ſame places ſuch neede chaunceth, and to whom the ſame places were aſſigned to bee repaired. Which common Bailiffe ſhall give notice to them, to whom the ſame places were appointed to bee kept, that they repaire and amend the ſame places within the time by the ſame twenty foure Jurors appointed, Within which time if they neglect to doe it, the ſaid common Bailiffe of his owne charge ſhal repaire ſuch defaults by the view of twenty foure Jurors, and the ſame partie neglecting, ſhall bee compelled to pay double coſts to the ſame Bailife for his charges laid out upon the ſame reparations, which double muſt bee reſerved for the benefit of the ſame reparations. And moreover, the negligent herein may be diſtreined by his lands within the ſame Marſh. And if any Pearches of lands bee holden in common of partners, ſo that to every partner a certaine place for the portion of his

part cannot be appointed, to wit, all or halfe a pearch by reaſon of the ſmalneſſe of the ſame pearch. Then by the oath of the foure and twenty Jurors it ſhall bee ordained and ſeene, how much the ſame land which is ſo holden in common ought to defend, and there ſhall bee a certaine portion of defence aſſigned to the ſame partners in common for the portion of their common land. And if any of the partners ſhall bee remiſſe in defending his part when the ſame partners ſhall be warned by the ſaid Bailife, the part of the partner ſo remiſſe, may bee aſſigned to the other partner which ſhall make defence. And they which hold in their owne hand in part of the partner neglecting, ſhall keepe it untill he neglecting ſhall pay double the coſtes beſtowed about the ſame defence conteyning his part by the viewe of the foure and twenty Jurors for the benefit of the ſame reparations as is aforeſaid. And if all the ſame partners ſhall bee negligent about the ſame, then the ſaid common Bailiffe ſhall make the ſame defence of his owne coſt, and may diſtreyne the ſame partners afterwards for double the coſts about the ſame defence by view of foure and twenty Jurors as is aforeſaid. The right of the chiefe Lords of the ſee in the foreſaid Marſh which they have

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ſignari non poſſit, locus certus, ſcilicet integra vel medica portica, pro paruitate dicte perticule, tunc per ſacramentum viginti quatuor Iuratorum ordinabiter & videbiter ad quantum predicta terra que ſic tenetur in communi ſuffiſicat defendere, & aſſignabiter certa portio defenſionis, predictis participibus in communi pro portione terre ſue communis. Et ſi quis participum, partem ſuam neglexerit defendere cum per predictum Balliuum dicti participes fuerint admoniti, pars participis negligentis aliis participibus aſſignetur, qui defenſionem facient. Et qui partem participis ſui negligentis in manu ſua tenent, illam tenebunt. donec ipſe negligens appoſiti cuſtus circa predictam defenſionem, partem ſuam contingentem, per viſum viginti quatuor Juratorum, duplum ſolverit, ad utilitatem predictarum reparationum, ſicut dictum eſt. Et ſi omnes hujus participes circa predicta negligentes extiterint, tunc predictus communis Balliuus totam defenſionem predictam faciet de ſuo proprio, & predictos participes poſtea ad duplum cuſti circa hujuſmodi defenſionem, per viſum viginti quatuor Juratorum appoſiti diſtringat, ſicut predictum, ſalvo capitalibus dominis feodi in predicto mariſco jure ſuo quod habeant verſus tenentes ſuo de

hujus defensione, secundum Feoffamenta sua; Et quod omnes terre in mariſco custodiantur contra maris impetum & aquarum dulcium inundationes per wallias & watergaugia per sacramentum & considerationem viginti quatuor Juratorum, ad minus perdendum & ad plus saluandum ficut antiquitas utebatur. Salvo etiam tenore carte domini Regis Communitati dicti mariſci conceſſe ne aliquis Vicecomes Kancie nec Balliuus ſuus aut miniſter aliquis infra dictum mariſcum aliquam faciat diſtrictione, occaſione aliquorum dictorum articulorum, ſicut in predicta carta continetur; Que quidem Carta iſta non obſtante ordinatione in ſuo perpetuo robore perſeveret, &c.

Rex Vicecomiti Kancie ſalutem. Cum nuper aſſignaverimus dilectum & fidelem noſtrum Henricum de Bathonia ad audiendum & terminandum contentiones habitas inter 24. legales homines de mariſco de Romenal, per quorum conſiderationem reparationes walliarum & watergaugiorum ejuſdem mariſci contra maris impetum, & periculum aliarum aquarum ibidem inundantium fieri debent, & alias terras & tenementa in eodem mariſco habentes, qui wallias & watergaugias illas reparare debent & ſolebant. Et idem Henricus ad partes illas parſonaliter decedens,

towards the Tenants of this defence, according to their feoffaments reserved. And that all the lands in the Marsh may bee kept against force of the Sea, and inundations of the fresh waters by the walles and watergauges by the oath and consideration of twenty foure Jurors for the least hurt and best safety, as of old time was used. Saving also the tenour of the Charter of our Lord the King to the communalty of the said Marsh granted, that no Sheriffe, nor any his Bayliffes or Minister, make any distresse within the same Marsh, by occasion of any the said Articles, as in the said Charter is contained; Which Charter, this ordinance notwithstanding shall continue in his perpetuall force, &c.

The King to the Sheriffe of Kent greeting. Whereas wee lately appointed our beloved and faithfull Henry de Bathonia to heare and determine variances depending betweene twentty foure lawfull men of Romney Marsh, by whose consideration the walles and watergauges of the same Marsh against the force of the Sea and perill of other waters there overflowing, ought to bee repaired, and such as have other Lands and Tenements in the same Marsh, which

ought and were woont to repaire those walles and watergauges. And the said Henry going in person to those parts, ordeyned, that according to the consideration of the said foure and twenty Iurors distresses should be made for reparation of the said walles and watergauges. So that no Sheriffe or other our Bailiffe doe intermeddle with the same distresses, as in the Roules of our Chauncery expressing that ordinance is contained. Neverthelesse, you have released those distresses for this deede by twenty foure Iurors, to the prejudice of their consideration. And because, if any thinke himselfe grieved of the same consideration, for which he will complaine, he ought to come to us to seeke remedy: Wee command you, that in no wise you meddle with the same distresses, but cause them to be returned by the foure and twenty Iurors and their Bailiffe appointed hereunto, that no further complaint thereof come to us for which wee may be displeased with you. Witnesse my selfe at Westminster the twentieth day of Aprill, in the three and fortieth yeare of our raigne, by Henry de Bathonia, &c.

Then followeth the number of all the Acres within the same Marsh, as is found by measure taken in the two and fortieth

yeare

cedens, ordinaverit quod ſecundum conſi-derationem predictorum viginti quatuor Iu-ratorũ diſtrictiones fierent pro reparatione walliarum & watergaugiorum predictarũ-Ita quod nullus Vicecomes aut alius Balli-uus noſter ſe intromittent de diſtrictionibus predictis, ſicut in rotulis Concellare noſtre ordinationem illam exprimentibus contine-tur. Tu nichilominus diſtrictiones illas prop-ter hoc factum, per viginti quatuor Iuratores in prejudicium conſiderationis eorundem relaxaſti. Et quia ſi quis ſe gravatum ſenciat, ex conſideratione predicta pro qua conqueri volverit, ad nos venire debet remedium peti-turus. Tibi precipimus, quod de diſtrictio-nibus predictis in nullo te intromittas, ſed eas viginti quatuor Iuratoribus & eorum Ballivo ad hoc deputato, diſtrictones illas returnari facias. Ne iteratus clamor ad nos inde perveniat, pro quo ad te gravitur ca-pere debeamus. Teſte meipſo apud Weſt-monaſterium viceſimo die Aprilis, Anno regni noſtri quadrageſimo tertio, per Hen-ricum de Bathonia, &c.

Tunc ſequitur numerus omnium acrarum infra dictum mariſcum ſicut reperitur per menſuram factum, Anno regni regis Hen-rici quadrageſimo ſecundo, & etiam agi-ſtatio tam in magna wallia de Apuldre,

quam in parua wallia, ad quantitatem terrarum tenementatum infra, &c.

Hamo Pitte, Iohannes Cobbe, Henricus le Long, & Iohannes Ermynard attachiati fuerunt, ad respondendum Godefrido le Fauconer, quari ipsi simul cum aliis, nuper venerunt ad manerium ipsius Godefridi in Hurst, & bona & catalla sua ibidem inventa ad valenciam viginti librarum ceperūt & asportaverunt, & alia damna & enormia ei ibidem inturerunt, ad ipsius grave damum, & contra pacem, &c. Et unde predictus Godefridus conqueritur, quod die Jovis in septimana Pasche, Anno, &c. Ipse Hamo simul cum aliis ceperunt decem vaccas in villa de Hurst, &c. Vnde dicit quod deterioratus est, & damnum habent valenciam, &c. Et inde producit sectā, &c. Et predictus Hamo & alii venerunt & defenderunt &c: & quicquid quod est contra pacem &c. quando &c. & bene cognoscunt quod ipsi ceperunt decem vaccas predictas &c. ipsius Godefride juste & in pace domini regis, quia dicit quod predictus Godefridus habet terras &c. in mariſco de Romeney ubi omnes tenentes terras & tenementa in eodem mariſco, secundum quantitatem terre sue debent facere wallias & watergaugias contra mare, propter inundationes aquarum, ac viginti quatuor

yeare of King Henry, and alſo the agiſtatio as well in the great Wall of Apuldre, as in the little Wall, to the quantity of the lands holden within, &c.

Hamo Pitte, John Cobbe, Henry le Long, and John Ermynard, were attached to anſwere unto Godfrey le Fauconer, for that they with others, lately came to the Manner of the ſaid Godfrey in Hurſt, and his goods and chattels there found to the value of twenty pounds, tooke and carried away. and other dammages and grievances to him there did, to his great loſſe, and againſt the peace, &c. And whereof the ſayd Godfrey complayneth, that on Thurſday in Eaſter weeke, in the yeare, &c. the ſame Hamo With others, tooke tenne kine in the towne of Hurſt, &c. whereby hee ſaith, he is damnified, and hath loſt to the value, &c. and thereupon bringeth ſute, &c. And the ſaid Hamo and others came and defended, &c. and ſo farre forth as is againſt the peace, &c. When &c. and they well acknowledge that they tooke tenne kine aforeſaid &c. of the ſaid Godfrey juſtly, and in the peace of our Lord the King, becauſe, hee ſayth that the ſaid Godfrey hath lands, &c. in Romney Marſh, where all the Tenants having lands and Tenements in the ſame Marſh, ought

according

according to the quantity of their land, to make walles and wtaergauges against the Sea for the inundations of the waters, and 24. lawfull men of the same marsh being chosen by the Communalty of the same Marsh, and the Jurates ought to make distresses upon the Tenants in the same Marsh, according to the quantity of their Tenements, when it shall be needfull, to repaire the same walles and watergauges. Which Jurates in the same Marsh, as the manner is, for that they all could not bee at leasure, have chosen the said Hamo to distraine, and have made him their Bailiffe to doe it, and this liberty they have by ancient custome of the same Marsh, and by charter of our Lord the King, which they produce, in these words, Henry by the grace of God, &c. Whereby hee saith, that by meanes of the default of the said Godfrey, hee lawfully tooke the same distresse for repairing the same walls and watergauges, of which in the wall of Apuldre there were assigned to him for his part, by the same Jurates, three pearches and halfe at least at his charges to bee repaired. And more, according to the inundations of waters, if it shall bee needfull through divers places, and that they take a greater distresse, unlesse they will doe it, they put themselves upon their country,

tuor homines legales de dicto mariſco electi per communitatem dicti mariſci, & Juratores ſuper Tenentes in eodem mariſco facere debent diſtrictiones, ſecundum quantitatem tenementorum ſuorum cum neceſſe fuerit, ad predictas wallias & watergaugias faciendum & reparandum. Qui quidum Jurati in eodem mariſco, prout moris eſt, eo quod omnes ad hoc vacare non potuere, elegerunt predictum Hamonem, ad faciendum predictas diſtrictiones, & ipſum fecerunt Balliuum ſuum ad hoc faciendum, & iſtam libertatem habent per antiquam conſuetudinem ejuſdem mariſci, & per cartam domini regis quam nunc proferunt in hac verba. Henricus dei gratia &c. Vnde dicit, quod ratione defectus ipſius Godefridi, juſte fecit ſuper ipſum predictum diſtrictionem ad predictas wallias & watergaugias reparandus, de quibus in wallia de Apuldre ei aſſignate ſunt ad, portionem ſuam per predictos ratos, tres perticate & dimidum ad minus ad cuſtum ſuum reparandum, & ſecundum inundationem aquarum plus, ſi neceſſe fuerit per loca diverſa, & quod ſuper ipſum majorem diſtrictionem nili fecerint ponunt ſe ſuper patriam, &c. Dicunt tamen quod ceperunt ſuper quendam A. B. ſex boviculos, qui fuit firmarius ipſius Godefridi, &

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decẽ agnos ſuper I.N. tenentes ipſius Godefridi, ratione defectuum predictarum walliarum & watergaugiarum, propter quod poſt modum ipſi ſatisfecerunt & rehabuerunt averia ſua. Queſitis, pro quanto fecit primam diſtrictionem & pro quanto ſecundam dicunt quod primus defectus ipſius Godefridri eſtimabatur ad quatuor marcas, & ſecũdus defectus ad quadraginta octio ſolidos. Et predictus Godefridus dicit, quod ipſe tenet tenementa ſua in mariſco predicto; ex dono & conceſſione domini Henrici quondam riges Anglie, avi domini regis Henrici nunc, que idem dominus Henricus dedit cuidam Willelmo filio Balderi anteceſſori ipſius Godefridi, cujus heres &c. per quam conceſſionem anteceſſores ſui, & ipſe poſtea ſemper tenuit tenementa ſua in predicto mariſco, adeo liberè & quietè ſicut predictus Balderus ea prius tenuit. Et bene dicunt quod nec ab anteceſſoribus ſuis, nec ab ipſo nunquam fuit queſita hujuſmodi conſuetudo, ad dictas wallias & watergaugias, reparandas, niſi jam quintis annis clapſis, poſtquam predictus Hamo factus fuit Balliuus, ad predictas wallias & watergaugias cuſtodiendas, nec unquam aliquo tempore ea fecerunt. Et profert cartam ipſius Henrici regis in hac verba. Henricus Dei gratia Rex Anglie

countrey, &c. Notwithstanding, they say they tooke of one A. B. 6. bullocks, who was the farmer of the said Godfrey, and 10. lambs of I. N. tenants of the same Goafrey, by reason of the defects of the same walles and watergauges, for which they afterwards paid, and had their beasts againe. Being required for what they made the first distresse, and for how much the second, they say, that the first default of the said Godfrey was esteemed at foure markes, and the second default at 48. shillings. And the same Godfrey saith, that hee holdeth his Tenements in the same Marsh of the gift and grant of the Lord Henry, late King of England, Grandfather of our now Lord King Henry, the which the same Lord Henry hath given to one William the sonne of Balder, the predecessors of the said Godfrey, whose heire, &c. By which grant, his predecessors and hee afterwards held his Tenements in the same Marsh, alwaies as freely and quietly as the said Balder held them before. And they say, that neither of his predecessors nor of him any such custome was ever sought to repaire the same walles and watergauges, unlesse five yeares past, after that the said Hamo Was made Bailiffe, to keepe the same walles and watergauges, neither did they ever at any

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time doe it. And hee bringeth the Charter of the ſaid King Henry, in theſe Words: Henry by the grace of God, King of England, &c. To the Archbiſhop of Canterbury, &c. And ſaith, that by the ſame feoffament, his auncestors have held the ſame Tenements ſo freely, that they never made nor repaired the walles nor watergauges, neither Was hee, after that he held thoſe lands nor his predeceſſors diſtreyned, untill now five or ſixe yeares paſt, that the ſaid Hamo and others have tooke the beaſts, and as they know which made upon him the ſame diſtreſſe for default of reparation of the ſame walles and Watergauges, which neither hee nor his predeceſſors have done, nor never uſed to do, deſireth judgement of their acknowledgement. And the ſaid Homo and others ſay that ſometimes there was contravers twixt the Tenants in the ſaid Marſh upon the reparation of the ſame walles and watergauges, ſo that plea Was moved thereby in the County before the Sheriffe, for Which the foure and twenty Jurates finding themſelves grieved, came to the Court of our Lord the King, and complayned of the ſaid Sheriffe, alledging that the ſame plea appertayned not to the Sheriffe to bee holden, ſo that by counſell of our Lord the

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lie &c. Archiepiſcopo Cantuarienſis &c. Et dicit quod predictum feoffamentum tenuere anteceſſores ſui, predicta tenementa adeo libere, quod nunquam facerunt, nec reparaverunt wallias nec watergaugias nec ipſe, poſtquam terras illas tenuit, nec anteceſſores ſui diſtricti fuerunt, quoſque jam quinque annis clapſis vel ſex, quod predictus Hamo & alii ceperum averia ſua. Et deſicut ipſi cognoſcunt quod fecerunt ſuper ipſum, predictam diſtrictionem pro defectu reparationis predictarum walliarum & watergaugiarum, quas nec ipſe nec anteceſſors ſui, fecerunt nec unquam facere conſueverunt, petit judiciam de eorum recognitione. Et prepictus Hamo & alii dicunt, quod aliquo tempore fuit contentio inter Tenentes in predicto mariſco ſuper reparatione predictarum walliarum & watergaugiarum, ita quod placitum motum fuit inde in comitatu coram Vicecomite, propter quod viginti quatuor Jurati ſentientes ſe gravatos venerunt ad Curiam domini regis & conqueſti fuerunt de Vicecomite aſſerentas, quod hujuſmodi placitum non pertinuit ad Vicecomitem tenendum, ita quod per conſilium domini regis proviſum fuit, quod ibidem miterentur Juſticiarii domini regis, ad ordinandum & diſponendum quod juſtum eſ-

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set de hujus contentionibus. Ita quod Henricus de bathonia ibidem missus fuit, & omnes Tenentes dicti marisci habuerunt summonitionem quadraginta dierum sicut fuisset in itinere Justiciariorum. Et ipse predictus Henricus, visis predictis waliis & watergaugiis, per assensum & voluntatem totius communitatis predicti marisci ordinavit, quod Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes Tenentes in eodem marisco contribuerunt, secundum quantitatem tenementi sui, ad predictas wallias & watergaugias reficiendas, unde sicut predictus Godfridus vult defendi per predictas wallias & watergaugias petit quod contribuat ad easdem reparandas sicut coram predicto Justiciario fuit ordinatum. Et quod talis sit ordinatio, sicut predictum, ponit se super recordum rotulorum predicti Henrici de Bathonia. Dicit etiam quod necesse est quod ipse contribuat ad predictas wallias, &c. quia dicit quod nisi terra sua per predictas wallias esset defensa, tota terra sua esset superundata & falsata. Et predictus Godfridus dicit quod licet predicta ordinatio facta fuisset per predictum Henricum ipse Godefridus nunquam eidem ordinationi consensit, nec summonitus fuit, nec vocatus venire coram ipso ad ipsam ordina-

tionem

King it was provided that there might bee ſent the Juſtices of our Lord the King, to ordaine and depoſe that which ſhould bee meete to appeaſe thoſe ſtrifes. So that Henry de Bathonia was ſent thither, and all the Tenants of the ſaid Marſh had ſummons of forty dayes, as hee was in the journey with the Juſtices. And the ſaid Henry, having ſeene the walles and water-bankes aforeſaid by aſſent and will of the whole communalty of the ſaid Marſh, hath ordained that the Archbiſhops, Biſhops, Abbots, Priors, Earles, Barons, and all Tenements in the ſame Marſh, ſhall contribute, according to the quantitie of their tenure, to make againe the ſame walles & watergauges, whereby as the ſaid Godfrey will bee defended by the walles and watergauges, hee requireth that he contribute to repaire them, as before the ſaid juſtice it was ordained. And that the ordinance is ſuch as aforeſaid, he referreth himſelfe to the record of the roules of the ſaid Henry de Bathonia. Alſo he ſaith, that it is needfull that he contribute to repaire the ſame walles, &c. for that hee ſaith, that except his land ſhould be defended by the ſaid walles, all his land would bee overflowen and waſhed. And the ſaid Godfrey ſaith, that although the ſame

ordinance had beene made by the ſaid Henry, the ſaid Godfrey never conſented thereto, neither was ſommoned nor called to come before him to make the ſame ordinance: Hee alſo ſaith, that neither before the ordinance nor after, hee nor his predeceſſors did lately make ſuch contribution, but alwaies held their land quietly from all manner of exaction according to the tenor of the ſaid Charter of King Henry, Grandfather to the now King, untill two yeares paſt, the ſaid Hamo and others tooke his beaſtes, whereof hee prayeth judgement whether the ſame doe hurt him in this behalfe. And the ſaid Hamo and others ſay that hee had a common ſummons of fourty dayes, as all the Communalty of the ſame Marſh had, which hee ought not to bee ignorant of, whereby hee ſaith, that although hee would not come thither as hee ought with his neighbours, he ought not to be therefore freed from the ſame contribution to repaire the walles, inſomuch that it is the common beneſit of all the Tenants in the ſaid Marſh, that aſwell his land as the land of the other Tenants may be defended by the ſame walles and watergauges, whereof he deſireth judgement. Hee alſo ſaith, that after the ſame ordinance, the ſaid Godfrey and thoſe

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tionem faciendam ; dicit etiam quo nec antee ipsam ordinationem nec post, ipse nec anteceſſores ejus, nuper fecerunt hujuſmodi contributionem, ſed ſemper tenuerunt terram ſuam quiete ab omnimoda exactione, ſecundum tenorem predicte Carte Henrici reges avi regis nunc, quoſque jam duobus annis elapſis, predicti Hamo & alii ceperunt averia ſua, unde petit judicium ſi predictus debeat ei nocere in hac parte. Et predicti Hamo & alii dicunt quod ipſe habuit communem ſummonitionem quadraginta dierum, ſicut tota communitas predicti mariſci, quam ipſe ignorare non debuit, unde dicit quod licet ibidem nollet venire, ſicut debet cum vicinis ſuis, non debet eſſe quietus propter hoc a predicta contributione, ad predictas wallias reparandus, deficut communis utilitas eſt omnium tenentium in dicto mariſco, quod tam terra ipſius quam terra aliorum tenentium defendatur per predictas wallias & watergaugias, unde petit judicium dicit etiam quod poſt predictam ordinationem dederunt, predictus Godfridus & homines ſui unam marcam ad wallias & watergaugias pretectas reparandas, antequam idem Hamo eſſet Balliuus, & quod ita ſit paratus eſt verificare &c. Et Godefridus di-

cit quod tenet se ad predictam Cartam domini regis & ad libertatem suam quam ipse & antecessores sui usi sunt, contra quas nulla, ordinatio per predictum Henricum facta, potest nec debet ei nocere, & bene defendit, quod nec ipse nec aliquis per ipsum, aliquid unquam ante predictam ordinationem, nec post ad dictam reparationem dedit. Et hoc paratus est verificare &c. Postea in crastino sancti Martini, anno quadragesimo secundo, venerunt predicti G. H. & alii &c. Et preceptum est Vicecomiti quod venire faciat, a die Pasche in trees septimanas ubicunque, duodecim tam milites quam &c, per quos &c. Et qui nec &c. nec habent terras in predicto mariſco ad receptum &c. si predictus Godefridus & antecessores sui, postquam habuerunt terram suam de Hurst, de dono & concessione domini Henrici regis Angliæ &c. simul cum aliis hominibus habentibus terram in dictu mariſco consueverunt reparare wallias & watergaugias & contribuere cum predictis hominibus ad eas reparandum, cum necesse fuerit, unde ipse Godefridus per quandam ordinationem, in quam ipse concessit coram Henrico de Bathonia, quem dominus rex ad hoc misit faciendum, dedit unam marcam ad dictas wallias

men have given a marke to repaire the walles and watergauges aforesaid before the said Hamo was Bailiffe, and that he is ready to verifie the same, &c. And Godfrey saith that hee holdeth himselfe to the same Charter of our Lord the King, and to his liberty which hee and his predecessors used, against which none ordinance being made by the said Henry, can nor ought to hurt him, and he well defendeth, that neither he nor any by him, hath given any thing at any time, before the said ordinance nor after to the same reparation. And this hee is ready to verifie, &c. Afterwards in the morrow after Saint Martin in the two and fortieth yeare, there came the said G. H. and others &c. And it was commanded to the Sheriffe, that hee cause to come, in three Weekes after Easter whersoever, twelve aswell Kinghts, as &c. by which &c. And which neither &c. nor have lands in the said Marsh &c. if the said Godfrey and his predecessors after that they had his land of Hurst, of the gift and grant of our Lord Henry, King of England, &c. together with other men, having land in the said Marsh, were wont to repaire the walles and watergauges, and to contribute with the same men to repaire them when it hath beene needefull,

whereof the ſaid Godfrey by a certaine ordinance in which hee granted before Henry de Bathonia, whom the Lord the King had ſent in that behalfe, gave a marke to repaire the ſaid walles and watergauges before the ſaid Hamo was Bayliffe of the ſaid Marſh, as the ſaid H. and I doe affirme, or if the ſaid Godfrey or his predeceſſors were freed from thoſe reparations of the walles and watergauges and things incident thereto, by Charter of the ſaid King Henry, Grandfather &c. So that the ſaid Godfrey hath not agreed to the ſame ordinance, nor ever gave any thing to repaire the ſame walles and watergauges, as the ſaid Godfrey alledgeth, becauſe aſwell, &c. Afterwards from three weekes after Eaſter, in the two and fortieth yeare the Sheriffe, hath not ſent his writ, therefore hee in pitty &c. that is to ſay, Fulke Payforor, therefore as before it is given in charge to the Sheriffe, that he cauſe to come here fifteene dayes after the day of S. Trinity whereſoever &c. twelve &c. by which &c. and which neither &c. Afterwards at that day there came the ſaid Godfrey, H. and others, and deſired judgement to be done according to the record and proceſſe of the ſame plea, and the plea was recited before the Lord the King and his

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lias & watergaugias reparandus, antequam predictus Hamo fuisset Balliuus predicti-mariſci, ſicut predictus H. & I. dicunt, vell ſi predictus Godefridus vel anteceſſores ſui quieti fuerunt, de hujuſmodi reparationibus, walliarum & watergangiarum, & preſtationibus ad eandem per Cartam predicti Henrici Regis avi &c. ita quod predictas Godefridus non conſenſit predicte ordinationi, nec aliquid unquam dedit ad predictas wallias & watergaugias reparandus ſicut predictus Godefridus dicit. Quia tam &c. poſtea a die Paſche in tres ſeptimanas Anno quadrageſimo ſecundo, Viçecomes non miſit breve ſuum, Ideo ipſe in miſerecordia &c. ſcilicet Fulco Peyforer, Ideo ſicut prius, preceptum eſt Viçecomiti quod venire faciat, hic a die ſancte Trinitatis, in quindecim dies ubicunque &c. duodecim &c. per quos &c. Et qui nec &c. Poſtea ad diem illum venerunt predictus Godefridus H. alii & petierunt ſibi judicium fieri ſecundum recordum & proceſſum loquele predicte, & recitata fuit loquela coram domino rege & conſilio ſuo. Et quia compertum eſt ſecundum recordum illud, quod dominus rex alias miſit Henricum de Bathonia Juſticiarum ſuum ad hoc aſſignatum, ad predictum mariſcum de

Romenal qui disposuit quod omnes illi qui terras & tenementa in predicto mariſco haberent contributionem facerent, ſecundum quantitatem tenementorum, ad wallias & watergaugias predicti mariſci reparandum ſicut predicti Hamo & alii dicunt, ad quam contributionem predictus Godefridus non obligatur, ſicut predictus Godefridus dicit nec adhuc conſtat Curia regis hic de predictis ordinatione & diſpoſitione, ſine quibus rite ad judicium procedi non poteſt. Data eſt eis dies a die Sancti Michaelis in quindecim dies, ubicunque &c. Et interim ſcrutantur rotuli de tempore predicti Henrici de Bathonia. Et ſciendum eſt quod inhibitum eſt dicto Hamoni ne pendente eodem placito diſtringat predictum Godefridum. Poſtea a die ſancti Michaelis in quindecem dies, anno &c. Quadrageſimo tertio, venit predictus Godefridus & ſubtaxit ſe de brevi ſuo verſus prefatos Hamonem & alios &c. & ideo ipſe in miſerecordia &c. Et inſuper conceſſit pro ſe & heredibus ſuis, quod de cetero reparari facient vel facient wallias & watergaugias pro portione quantitatis terre ſue una cum vicinis ſuis, prout conſuetudo patrie eſt, ſine contradictione ſue cavillatione imperpetuum. Et predictus Hamo conceſ-

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Counſell, and becauſe it is found according to that Record, the Lord thee King had otherwiſe ſent Henry de Bathonia his Juſtice thereunto aſſigned to the ſame Romeney Marſh, who diſpoſed that all thoſe which had Lands and Tenements in the ſame Marſh, ſhould according to the quantity of their Tenaments, contribute to repaire the walles & waterganges of the ſaid Marſh, as the ſaid Hamo and others alledge, to which contribution the ſaid Godfrey is not bound, and the ſaid Godfrey ſaith, neither as yet is it manifeſt in the Court of the King heere, of the ſame ordinance and diſpoſition, without the which they cannot rightly proceede unto judgement. Day is given them in 15. dayes after the day of S. Michaell wheresoever &c. And in the meane ſpace the roules of the time of the ſaid Henry de Bathonia are ſought, and it muſt bee knowne that it is forbidden that the ſaid Hamo deſtraine the ſaid Godfrey whileſt the plea dependeth. Afterwards in 15. dayes, after the day of Saint Michaell in the 43 yeares &c. the ſaid Godfrey came, and withdrew himſelfe of his writ againſt the ſaid Hamo and others &c. And therefore hee in pitty &c. And further hee granted for himſelfe and his heires, that from henceforth they ſhould cauſe to bee repaired

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the Walls and Watergauges for his part of the quantity of his lands together with his neighbors, as the custome of his countrey is without contradiction or cavelation for ever. And the said Hamo hath granted and bound for himselfe and others, that hee will accompt before the 24. Jurates of the countrey, chosen upon the distresses, and beasts taken of the said Godfrey for repairing the said walls and watergauges from the beginning of this plea till now &c. And those distresses according to the quantity of the part hapning to him, shall in the meane space satisfy for reparation of the walls & watergauges aforesaid as is afore declared by the destresses that the said Hamo and others shall pay in all things which shall be injoyned by the said accompt between them of the surplusage received of the beasts sould by the said Godfrey by the same occasion. And the said Godfrey hath granted, that if the said Homo verefy by accompt that the beasts taken by him in the name of distresse by occasion aforesaid, in valne cannot satisfie for the part of the quantitie of his land for the repairing of the said Walles and watergauges, that hee the said Godfrey will satisfie him in all arrerages from the beginning of the same plea till now by the view and estimation of the same 24. Jurates of the Countrey, &c.

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sit & obligavit pro se & aliis, quod computabit coram viginti quatuor Juratoribus electis de patria super districtionibus & averiis captis, predicti Godefridi, pro predictis wallis & watergaugiis reparandis, ab initio istius placiti, usque nunc &c. Et districtiones ille, secundum quantitatem portionis sibi contingentis, interim pro predictis wallis & watergaugiis reparandis sicut predictum est, per predictas districtiones quod idem Hamo & alii satisfacient in omnibus quod conjunctum fuerit per predictum computum inter eos de superplusagio recepto de averiis venditis predicti Godefridi occasione predicta. Et idem Godefridas concessit, quod si predictus Hamo non computando possit verificare, quod averia nomine districtionis per ipsum capta occasione premissa, valorem eorundem non sufficere pro portionis quantitatis terre sue, ad predictas wallias & watergaugias reparandas, quod idem Godefridus satisfaciet ei in omnibus arreragiis, ab initio ejusdem placiti, usque nunc per visum & estimationem predictorum viginti quatuor Juratorum de patria, &c.

Ordinatio dominorum Johannis de Lovetot, & Henrici de Apulderfield Justiciarum domini regis de omnibus mariscis de Romene

mene & Oxney usque ad Com. Sussex.

Coram I. de Lovetot, & H. de Apuldrefeild apud Romene quinto die Decembris, Anno regni regis Edwardi filii regis H. 61.

Dominus Rex mandavit dilectis & fidelibus suis, Johanni de Lovetot, & Henrico de Apuldrefield, breve suum, in hec verba. Edwardus Dei gratia Rex Anglie, Dominus Hibernie, & Dux Aquitanie, dilectis & fidelibus suis, Joanni de Lovetot, & Henrico de Apuldrefield salutem. Sciatis quod cum nos ratione dignitatis regie, & per Juramentum abstricti sumus, ad providendum salvationi regni nostri, circumquaq; assignavimus, vos ad supervidendum wallias & fossata per costeram maris & partium adjacentium in comitatu Kancie, per maris intemperiem diversimode diruta, ad inquirendum per quorum defecta hujus damnum contigit ibidem, & de omnibus illis, qui terras & tenementa tenent in partibus illis, & defensionem & saluationem habent qualitercunque, vel habere possunt per hujus wallias & fossatas, & ad eos pro quantitate terre & tenementorum suorum, siue per numerum acrarum terre, sive per carucatas pro rata portione tenure, sue distringendi una cum Ballivis libertatum & aliorum de partibus illis ad ea

in

The Ordinance of the Lord John de Lovetot, and Henry de Appledorefeild, Juſtices of the Lord the King of all the marſhes of Romney & Oxney to the county of Suſſex.

Before J. de Lovetot, and H. of Appledorefeild at Romney the fifth day of December in the ſixteenth yeare of King Edward, ſonne of King Henry.

Our Lord the King hath ſent to his welbeloved and faithfull John de Lovetot, and Henry de Appledorefeild his writ in theſe words, Edward by the grace of God, King of England, Lord of Ireland, and Duke of Aquitane, to our welbeloved John de Lovetot, and Henry de Appledorefeild greeting. Know yee that whereas wee are bound by reaſon of our princely dignitie, and by oath to provide for the ſafetie of our Kingdome. We have aſſigned on every ſide you to overſee the walles and ditches by the ſea coaſt, and the partes thereto adjoyning in the County of Kent, diverſly ruynated by the rage of the Sea to inquire by whoſe default ſuch hurt hath hapned there, and of all thoſe which hold lands and tenements in thoſe parts, and by any meanes have defence and ſafety, or may have defence or ſafety by thoſe walls and ditches, and them for the quantitie of their lands and

Tenements

Tenements, or by the number of Acres of land, or by Carucatas for the rated portion of their tenure to destreyne together with the Bailiffe of the liberties and others of these partes to repaire them in necessary places as often and where as neede shall be, so that none having lands or Tenements of this or other, of what condition, state, or dignitie that they be, which have any defence by these walles and ditches, whether it be within the libertie or without, shall be spared in this behalfe. And therefore we command you, that for the execution of this businesse, ye behave your selves so faithfully and discreetly, that as well men resident in the same places as their lands may be saved against like perrils, and casually no worse in like manner happen, and you upon that which you shall doe and ordeine in this behalfe under your Seales, and the Seales of the Jurors, as well Knights, as other honest and lawfull men, you distinctly and publiquely certifie us. For we have commanded our Sheriffe of the same County, that at certaine daies and places which he shall limit them, he shall cause to come so many and such honest and lawfull men of his Bayliwicke, by whom the truth of the matter

may

in locis neceſſariis reparandum, quotiens & ubi neceſſe fuerit, ita quod aliqui, tenentes terras ſeu tenementa hujus vel alterius fuerit conditionis, ſtatus ſeu dignitatis qui qualitercunque defenſionem habent per hujus wallias & foſſatas, ſive fuerit infra libertatem, ſive extra nullatenus parcatur in hac parte. Et ideo vobis mandamus, quod in executionem iſtius negotii, ita fideliter & diſcrete vos habeatis, quod tam homines manentes in locis predictis, quam terre eorundem ſaluetner contra ſimilia pericula, & caſualiter pejora nulla conſimiliter favorabiliter introducte reſiſtente. Et vos ſuper hiis que in hac parte feceritis & ordinaueritis, ſub veſtris ſigillis & ſigillis Iuratorum tam militum, quam aliorum proborum & legalium hominum, diſtincte & aparte reddetis certiores. Mandavimus enim Vicecomite noſtro comitatus predicti, quod ad certos dies & loca quos eis ſcire faceret, coram vobis venire faceret tot & tales probos & legales homines de Balliva ſua, per quos rei veritas melius ſciri poterit & inquiri in premiſſis, &c. In cujus rei teſtimonium, &c. Teſte Edmundo Comite Cornubie Conſtabulario noſtro, apud Weſtmonaſterium quinto decimo

decimo die Novembris, anno regni nostri sexto decimo.

Per quod quidem mandatum, preceptum fuit Vicecomiti quod venire faceret coram prefatis Iusticiariis hic ad hunc diē, vigenti quatuor Juratores de mariſco de Romenal, & omnes dominos walliarum eiusdem mariſci & tot & tales probos & legales homines de ſingulis terris maritimis in Balliva ſua per quos rei veritas in premiſſis, melius ſciri poterit & inquiri, ad faciendum ulterius id quod in premiſſis fuerit ordinandum, qui modo venerunt. Et predicti vigenti quatuor Juratores de mariſco predicto vna cum communitate ejuſdem mariſci dixerunt, quod dominus Henricus rex pater regis nunc per Cartem ſuam conceſſit eis quaſdam libertates in terris ſuis de mariſco predicto & petierunt quod libertates ſue predicte ſibi ſalventur, & quod nihil attemptetur vel ordinetur in prejudicium libertatum ſuarum predictarum. Et profert Cartam domini Henrici predicti in hac verba. Henricus dei gratia, &c. Dixerunt etiam quod dominus rex pater domini regis nunc anno regni ſui quinquageſimo ſecundo ratione cujuſdam diſſentionis ſuborte inter diverſos homines mariſci ſupradicti occaſione walliarum &

water

may bee knowne and enquired in the premiſſes, In witneſſe whereof, &c. witneſſe Edmund Earle of Cornewall our Conſtable at Weſtminſter the 15. day of November, in the 16. yeare of our raigne.

By which mandate it was commanded to the Sheriffe, that he ſhould come before the ſaid Juſtices heere at this day, 24. Jurors of Romney Marſh, and all the Lords of the townes of the ſame Marſh, and ſuch and ſo many honeſt and lawfull men of the ſeverall lands neere to the Sea coaſt in his Bayliwicke, by which the truth of the matter in the premiſſes may the better bee knowne and inquired of, and further to doe that which in the premiſſes ſhall bee ordained, who now came. And the ſaid 24. Jurors of the ſame Marſh, together with the communalty of the ſaid Marſh alledged, that the Lord, King Henry, father of the now King, by his Charter hath granted unto them certaine liberties in his Lands of the ſame Marſh, and required that their liberties aforeſaid may bee reſerved unto them, and that nothing bee attempted or ordained to the prejudice of the ſame liberties, and produce a Charter of the Lord Henry our King aforeſaid in theſe words, Henry by the grace of God, &c. They alſo alledged, that the Lord the King,

father of our now Lord the King, in the two and fiftieth yeare of his raigne, by reason of certaine discord arisen amongst divers men of the same Marsh, by meanes of repairing the same Walles and watergauges, did send Henry de Bathonia his Justicer to those parts, to heare and determine the strifes growne of the same reparation, betweene foure and twenty Jurors, and the men of the said Marsh, and to provide for the safety and defence of the said Marsh, against the overflowing and danger of the Sea and other Waters by repairing the said Walles and watergauges by them, which for reparation thereof, are bound according to the quantitie of their lands and tenements which they have in the same Marsh. Whereby they affirme that the said Henry de Bathonia, by authority of the same mandate of our Lord King Henry aforesaid, hath ordained and established for them there a certaine law and ordinance, by which that Marsh is hitherto kept and conserved, and therefore require that by that ordinance and law they may hereafter bee tyed and defended, as heretofore they have beene accustomed. And to that end they brought the same Ordinance of the said Henry de Bathonia, under the seale of our Lord the King, in these words: Before Henry de Bathonia &c, as afore, &c. And

watergaugiorum ibidem reparandarum misit Henricum de Bathonia Justiciarium suum ad partes illas, ad audiendum & terminandum contentiones ortas de reparatione predicta inter viginti quatuor Juratores & homines predicti mariſci & ad providendum ſecuritati & defenſioni ejuſdem mariſci, contra maris & aliarum aquarum inundationem & periculum per reparationem prædictarum walliarum & watergaugiorum faciendum per eos qui per reparationem illam ſecundum quantitatem terrarum & tenementorum ſuorum que habent in eodem mariſco tenentur. Vnde dicunt quod prefatus Henricũ de Bathonia auctoritate mandati domini Henrici regis predicti ordinavit & ſtatuit eis ibidem certam legem & ordinationem per quas mariſcus ille hucuſque cuſtoditur & ſalvatur unde petierunt quod per ordinationem & legem illam poſſint impoſterum deduci & defendi ſicut hactenus conſueverunt. Et ſuper hoc protulerunt predictam ordinationem ipſius Henrici de Bathonia ſub Sigillo domini regis in hac verba. Coram Henrico de Bathonia, &c. ut ſupra, &c.

Et quia ordinatio predicti Henrici ſtatim videtur concordans equitati & hucuſq; fuit

approbata, preceptum est & statutum quod ordinatio illa in omnibus observetur absque diminutione: addito tamen quod quia in ordinatione predicta nihil fuit expressum de electione communis ballivi domini regis in mariſco predicto, quomodo est per quos electio illa fieri debeat concordatum est, quod de cetero cedente vel decedente communi ballivo predicto mariſci locus ipsius alius eligatur, qui resideat est terras habeat in predicto mariſco. Et fiat electio illa de cetero per communem assensum duarum villarum ejudem mariſco, vel per Attornatos suos, & ubi major pars numero concenserit, stabitur eorũ electioni, quia sic hactenus ibi fieri consuevit. De duplo est sumptuum appositorum de reparatione defectuum predicti mariſci levand. in penam negligentium defectus ipsos contingentes reparare concordatum est, quod duplum illud levetur sicut priori ordinatione fuerat statutum, & quod duplum illud in communem utilitatũ reparationis dicti mariſci revertatur & ad usus Ballivi ejusdem mariſci decerero non observetur. Et qui in predicto mariſco diverse wallie & watergaugie quarum reparationem & sustentationem communitas ejusdem mariſci non contribuit nisi

tantum

And becauſe the ordinance of the ſaid Henry plainely ſeemeth agreeable to equity, and hitherto hath been allowed. It is commanded and appointed that the ſame ordinance be in all points obſerved without impeachment, adding neverthelesſe, that becauſe in the ſame ordinance nothing was expreſſed of the choice of a common Bayliffe of our Lord the King in the ſame marſhe by what meanes and by whome that choiſe ought to be made, It is agreed, that from hencefoorth the ſaid common Bailiffe of the ſaid marſhe departing or deceaſing, another which is reſident, and hath lands in the ſame marſh, may have his place. And that the ſame choiſe from henceforth be made, by common aſſent of two townes of the ſame marſh, or by their atturneys, and where the greater number agree, it ſhal ſtand at their choice, becauſe it hath been ſo accuſtomed to be done. And for levying of the double, and of the coſts beſtowed for reparation of the defalts of the ſame marſh, for the puniſhment of ſuch as neglect to repaire thoſe defalts, it is agreed, that the ſame double be levyed, as in the former ordinance was appointed, and that the double be reverted, for the common benefit of repairing the ſaid marſh, and not be obſerved for the uſe of the ſame Bailiffe

 hereafter.

hereafter. And because in the same marsh divers walles and watergauges, to whose repairing and maintaining, the communalty of the same marsh doth not contribute, but only they which have lands adjacent and neereſt to the ſaid walles and watergauges, and ſome by oppreſſion of the Lords of the ſaid marſh, do pay but ſome times for the repairing and upholding of the ſame for 40. Acres, how much others for 50. Acres, that which ſhall be more, againſt the law of the marſh, and ordinance of the ſaid Henry de Bathonia, it is agreed and ordained that notwithſtanding any cuſtome uſed before of any, all and ſingular having lands and tenements, which are ſubiect to the danger of the Sea, and have there alſo ſafety for the ſame, may henceforth be diſtreined to repaire and ſupport the walles and watergauges. So that all doe contribute equally according to the number of Acres which they have there, ſo as none be ſpared of what ſtate and condition ſo ever they be, which thereby have ſafety and defence. And becauſe in that marſh of Romeney beyond the waterſtreame of that Docke, ſtretching from Suergate towards Romenhall on the weſt part of that Creeke unto the County of Suſſex, there was no certaine law of the marſh appointed nor uſed, but of ſuch as haue lands

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tantum illi qui dictis walliis & watergaugiis terras habent continguas & proximas, & quidem per oppreſſiones dominorum dicti mariſci quandoque tantum ſoluerint, ad reparationem ſuſtentationem earundem pro quadraginta acris quantum, alii pro quinquaginta acris quod magis fuerat, contra legem mariſci & ordinationem predicti Henrici de Bathonia; concordatum eſt, & ordinatum, quod nulla conſuetudine a quocunque prius introducta reſiſtente omnes & ſinguli terre & tenementa ibidem habentes que periculo maris ſubjacent ibidem & ſalvationem habent pro eadam de cetero diſtringantur ad wallias & watergaugias illas reparandas & ſuſtinandas. Ita quod ſinguli contribuant equaliter juxta numerum acrarum quas habent idem, ita quod nulli percatur, cujuſcunque fuerit ſtatus & conditiones, qui per eaſdem ſalvationem habent & defenſionem. Et quia in eodem mariſco de Romenal ultra curſum aque portus illius tendentem de Suergate verſus Romenhale ex Occidentale parte illius portus uſque comitatum Suſſex, nulla fuit prius certa lex mariſci ſtatuta nec uſitate, niſi ad voluntatem terras habentium in eodem, per quod diverſa pericula & damna intollerabila per maris inundatio-

nem contigerant ut decetero talibus periculis obuieter, & communi utilitate proſpiciatur concordatum eſt & conjunctem ordinatum, quod in mariſco ultra portum predictum verſus Suſſex ſtatuantur Juratores per communitatem electi qui pro ſecuritate partium illarum ad hoc jurati, habito reſpectu ad numerum acrarum que dicto periculo ſubiacent, & ad quantitatem walliarum & watergaugiorum ibidem reparandarum & ſuſtinendorum per eorum ſacramentum conſiderabunt & ordinabunt quantum neceſſe ſit ad reparationem & ſuſtentationem illarum, Ita quod unuſquiſque pro portione acrarum dicto periculo ſubjacētium eque contribuat, ad ſuſtentationem earundem. Ita quod iuxta portionem acrarum ſuarum & valorem earundem ſingulis aſſignetur in walliis et watergaugiis predictis portio ſua perticarum ſuſtinenda prout continetur plenius in ordinatione predicti Henrici de Bathonia. Et inſuper quia hactenus in partibus illis ultra portum predictum verſus Suſſex nullus fuerat communis balliuus conſtitutus, qui de periculis ibidem contingentibus provideret et caveret pro communi utilitate partium illarum, et ne decetero conſimilia pericula ibidē inveniantur, Ordinatum eſt, quod de-

cetero

at will therein, whereby divers perils and intollerable losses had happened by inundation of the Sea, that from henceforth such dangers may be prevented, and for common benefit seene into, It is agreed and jointly ordained, that in the marsh beyond the same Creeke towards Sussex, there bee appointed to be chosen by the communalty, furors, which for security of those parts in this behalfe shall be sworne, and having respect to the number of acres, which are subiect to the same perill, and to the quantitie of walls and watergauges there to be repaired and maintained, by their oath shall consider and ordaine as much as shall be needefull to repaire and uphold them. So that every one for the portion of Acres subiect to the same danger, doe equally contribute to susteyne them. So that according to the portion of their acres and their value, there be assigned to every one in the same Walles and watergauges, his portion of Pearches to be upholded, as is conteyned more plainely in the ordinance of the said Henry de Bathonia. And moreover, for that hitherto in those parts beyond the same Docke towards Sussex, there was no common Bailiffe appointed, which should prouide and take heed of the dangers there hapning, for the common

good

good of thoſe parts, and that hereafter no like perills there happen, It is ordained, that henceforth there be choſen a Bailiffe in the ſame marſhes, beyond the ſaid watercourſe towards Suſſex, to overſee and keepe and to repaire the walles and waterganges by the places and termes of all the ſaid marſh where he ſhall ſee it moſt convenient for the whole communalty. And cauſe the Jurors of the ſaid marſh to meete together at places requiſite, when it ſhall be needfull to make ordinances and conſiderations for ſafety of the lands of thoſe parts, and to diſtreine therefore, and double to be taken of the negligent, when need ſhall bee, and to levy according to the forme in the ſame ordinance of Henry de Bathonia conteined, at the choice of the ſaid Bailiffe, when it ſhall happen to be done, and that the Lords of the townes of the ſame marſh be alwayes aiding and called beyond the ſame watercourſe towards Suſſex, if they will be there. and the Jurors and the whole communalty of the ſaid marſh. It is alſo ordained, that from henceforth the ſaid common Bailiffe of the King in Romney marſh be overſeer of the ſame Bailiffe and Jurors in the marſh, beyond the Water courſe towards Suſſex, and all the Jurors on either ſide of the ſaid watercourſe, choſen, when it ſhall be

needfull

cetero eligatur unus Balliuus in mariſcis predictis ultra predictum curſum aque verſus Suſſex, ad ſuperuidendū & cuſtodiendum, ac reparatum faciēdum wallias & watergaugias per loca terminos totius mariſci predicti, ubi plus viderit toti communitati expedire. Et Juratores mariſci predicti cū neceſſe fuerit ad loca neceſſaria convenire faciat, ad ordinationes & cōſiderationes ſuas pro ſalvatione terrarum partium illarum faciendas, & diſtrictiones ab hoc faciēdas fieri & duplum a negligentibus, cum neceſſe fuerit, levare faciat ſecundum formā in predicta ordinatione Henrici de Bathonia contenta ad electionem vero predicti ballivi cum contigerit facienda ſemper premuniantur & vocentur domini villarum ejuſdem mariſci ultra predictum curſum aque verſus Suſſex ſi intereſſe voluerint, & Iuratores & tota comunitas predicti mariſci. Ordinatum eſt etiam quod decetero predictus comunis balliuus regis in mariſco de Romane ſit ſuperuiſor predictorum Ballivi & juratorū in mariſco ultra curſū aque verſus Suſſex, & omnes Iuratores ex utraque parte predicti curſus aque electos, cum neceſſe fuerit, ad loca neceſſaria convenire faciat ad ordinationes & conſiderationes ſuas faciendas pro ſalvatione terrarum

predictorum mariscorum. Ita quod semper ex utraque parte predicti cursus aque fietur ordinationi & considerationi predictorum Iuratorum, ad minus terram perdendum & plus salvandum nulla consuetudine resistente, salvo semper tenore cartæ dominl regis comunitati dicti mariſci concesse & ordinatione predicti Henrici de Bathonia in sua robora perpetuo duratura.

Coram Willhelmo de Walleyns & sociis suis ad superuidendum wallias & watergaugias in comitatu Kancie assignatas die lune proxime post festum sancte Mildrede virginis apud Newchurch, anno regni regis Edwardi filii regis Edwardi secundo.

Ordinatum est, de comuni assensu dominorum mariscorum de Lyde & Oxeney, & ex parte domini regis preceptum, quod de cetero comunis ballius domini regis in mariſco de Romane superuideat predictos ballivos & Iuratores in predictis mariscis de Lyde & Oxene, & eos ac etiam vigenti quatuor Iuratores in mariſco de Romane, cum necesse fuerit, ad loca necessaria convenire faciat. ad ordinationes consulendum & awardas suas faciendum pro salvatione terrarum predictorum mariscorum. Ita quod semper stent ordinationi & consuetudini dictorum

needefull, do cauſe to aſſemble to execute their ordinances and conſiderations for ſafety of the lands of the ſame marſhes, ſo that alwayes on either ſide of the ſame watercourſe they ſtand to the ordinance and conſideration of the ſaid Jurors, for the leſſe dammage and better ſafety of the land, any cuſtome notwithſtanding, ſaving alwayes the tenor of the Charter of our Lord the King granted to the communalty of the ſaid marſh, and the ordinance of the ſaid Henry de Bathonia, to indure for ever in his owne force.

Before William de Walleyns & his fellowes aſſigned to overſee the walles and water-gauges in the county of Kent, on Munday next enſuing the feaſt of S. Mildred the virgin, at Newchurch, in the ſecond yeare of the raigne of King Edward, ſonne of King Edward.

It was ordained, by common aſſent of the Lords of the marſh of Lyde and Oxeney, and on the part of our Lord the King commanded, that henceforth the common Bailiffe of our Lord the King in Romney marſh, do overſee the ſame Bailiffes and Jurors in the ſame mariſhes of Lyde and Oxeney, and them and alſo 24. Jurors in Romney marſh, when neede ſhall be, he cauſe to meete at fit places, to conſult of ordinances & make their awards, for ſafety of

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the lands of the same marshes. So that they alwayes stand to the ordinance and custome of the said Jurors, for the least hurt & best safety of the land. any custome notwithstanding. Saving alwayes the tenor of the charter of our Lord the King, granted to the communalty of the said marsh, and also the ordinances of the Lords Henry de Bathonia, and the said John de Lovetot and his fellowes, which shall continue in their strength.

The ordinance of the Lord Thomas de Lodelowe, Justice of our Lord the King and his fellows at Crowthorne, on munday next after the feast in the 33. yeare of the raigne of King Edward the third after the Conquest, by vertue of a Commission of the Lord the King to them directed whose tenor followeth in these words.

The King to his welbeloved and faithfull Thomas Lodelowe, Robert Belknap, and Thomas Culpeper, greeting. By the grievous complaint of the reverent father Symon Archbishop of Caterbury and others, having lands within the pretinct of Romney marsh, we are advertised, That whereas all their lands lye nigh to the Sea coast. and without continuall keeping the walls, gutters and ditches and other defences, as well for avoiding the seawater, as excluding the fresh-

torum Iuratorum ad minus terre perdendum,& ad plus ſaluandum, nulla conſuetudine reſiſtente. Salvo ſemper tenore carte domini regis comunitati dicti mariſci conceſſe, ac etiam ordinationibus dominorum Henrici de Bathonia & predicti Iohannis de Lovetot, & ſociorum ſuorum in ſuo robore duratura,

Ordinatio domini Thome de Lodelowe, juſticiarii domini regis & ſociorum ſuorum apud Crowethorne die lune proxime poſt feſtum anno regni regis Edwardi tertii poſt conqueſtum tricesimo tertio virtute Commiſſiones domini regis eis directi cujus tenor ſequitur in hac verba.

Rex dilectis & fidelibus ſuis Thome Lodelowe, Roberto Belknap, & Thome Culpeper ſalutem. Ex gravi querela venerabilis patris Simones Archiepiſcopi Cantuarienſis & aliorum terras infra precinctū mariſci de Romane tenentium accepimus quod cum omnes terre ille juxta coſteram maritimam ſaceant, & abſque continua cuſtodia walliarum gutterarum & foſſatorum & aliarum defenſionum tam pro excluſione aque maritime quam pro euacuatione aquarum dulcium, ibidem factorum nequeant ullo modo defendi & ſaluari, per quod tempore domini Henrici

Henrici quondam regis Anglie proavi noſtri per Henricum de Bathonia & ſocios ſuos juſticiarios ejuſdem proavi noſtri ad dictas wallia foſſata & gutteras, ac defenſionem inde ſuperuidendas, & fieri & reparari faciendas inter alia ordinatum fuiſſet, quod quicunque tenentium & reſidentium infra precinctum predictum, quem major pars dominorum dominum infra eundem precinctam habentium eligerent foret Baliuus ad ſcotta pro reparatione & ſuſtentatione walliarum gutterarum foſſatorum & defenſionum hredictorum aſſeſſa leuandum prout in ordinationibus predictis plenius poterit apparere: & licit iuxta ordinationes illas Ioannes at Leſe tenens & reſidens infra precinctum predictum ad dictum officium dicti ballui ad dicta ſcotta levandum per dominos mariſci predicti, in forma predicta infra precinctum illum electus fuerit & deputatus Matheus tamen at More, & alii complices ſui per falſas covinas adinuicem confederati & alligati, ad unum alium balliuum ibidem aſſenſu ſuo qui amicis ſuis parceret, & alios indebite contra ordinationes predictas oneraret faciendum, predictum Iohannem, adeo cerruerunt & horribiliter cominabantur ac alias impediverunt, quod ſecundum predictam

freſh waters there made, by no meanes can be defended and ſaved, For which in the time of the Lord Henry late King of England our great Grandfather, by Henry de Bathonia and his fellowes, Iuſtices of the ſame our Grandfather, to overſee the walls, ditches and Sluces, and the defence thereof, and to cauſe to bee made and repaired, among others it was ordained, that whoſoever of the Tenants, and men reſident within the ſaid precinct, whom the greater part of the Lords having rule within the ſaid precinct would choſe, ſhould bee Bailiffe to levy the aſſeſments for reparation & upholding the walles, Sluces, ditches & defences aforeſaid: as in the ſame ordinances is more apparent, and albeit, according to the ſame ordinances, John at Leſe tenant and reſident within the ſame precinct, to the ſaid office of Bailiffe to levy the aſſeſments aforeſaid by the Lords of the ſame Marſh in forme aforeſaid within that precinct was choſen and deputed: notwithſtanding Mathew at More and other his confederates by their falce decepts being confederate and knit together, to make another Baliffe there by their owne aſſent, which might bee partiall to his friends, and unduely burthen others againſt the ſaid ordinances, did ſo terrifie the ſaid John, & cruelly

threaten him, and otherwiſe hinder him, that hee cannot nor dare take upon him the office accordingly, and ſo in default of the ſame Bailiffe, all the ſaid Marſh by overflowing of Waters daily comming, remaineth in perill to be ſpoiled, unleſſe ſpeedy redreſſe in this behalfe be had. Wee reſpecting the hurt and perill, which as well to us, as to all our kingdome, and ſpecially in thoſe parts, by overflowing hereof, unleſſe meete defence to exclude and avoide the ſame waters bee done, may happen, and willing to prevent theſe hurts and dangers, having aſſigned you, three or two of you, to overſee and repaire the Walles, Sluces, ditches, and their defences made in the ſame Marſh, and to overſee the ſame ordinances, and in caſe that the ordinances for the ſafety and defence of the ſaid Marſh bee found inſufficient for the ſame overflowing, to correct and amend thoſe ordinances, and if neede ſhall bee, to ordaine a new ſuch as the ſaid Marſh may bee defended againſt the ſame waters from henceforth what chances ſoever ſhould happen, and for grievous puniſhments againſt thoſe which againſt the forme of the ordinances by you, three or two of you to bee done, in any wiſe will not come, or will forſake your decrees:

And

dictam ordinationem officium assumere noluit hec audebat: & sic in defectu dicti balliui totus mariscus predictus per superinundationem aquarum indies iminentium in periculo perditionis existit nisi super hoc celerius remedium apponatur. Nos advertentes damna & pericula, que tam nobis quam toto regno nostro & precipue in partibus illis ex superinudatione hujus nisi congrua defensio ad excludendas & evacuandas aquas predictas fias, poterint evenire; ac volentes damnis & periculis hujus precavere: assignavimus vos tres vel duos vestrum ad supervidendum & reparari faciendum wallias, gutteras fossata & ceteras defensiones in mariscо predicto factas, quam ad superuidendum ordinationes predictas, & in casu quo ordinationes ille pro salvatione & defensione mariscі predicti, contra superinundationem predictam minus sufficientes inveniantur, ad easdem ordinationes corigendas & emendandas: & si necesse fuerit ordinandas denovo qualiter mariscus predictus, contra aquas predictas, quibuscunque casibus decetero imminentibus melius salvari & defendi poterit, & ad punitiones rigidas contra eos, qui contra formam ordinationem per vos tres vel duos vestrum sic faciendum in

aliquo non venerit vel delinquerint ſtatuenda, & ad eaſdem ordinationes ut perpetuo obſerventur circumquaque in partibus illis proclamari, & ad omnia alias que pro ſalvatione & deſenſione mariſci predicti, ac excluſione & evacuatione aquarum predictarum neceſſaria & opportuna fuerint fieri faciendum. Et etiam ad inquirendum per Sacramentum proborum & legalium hominũ de comitatu Kancia de confederationibus covinis & allegationibus predictis, nec non de tranſgreſſionibus & contemptibus nobis per prefatum Matheum & complices ſuos nobis in hac parte factis, & de nominibus eorundem complicum, & ad eaſdem confederationes convinas alligationes tranſgreſſiones & contemptus predictus audiatis & terminetis audiendas & terminendas ſecundum legem & conſuetudinem regni noſtri. Et ideo vobis mandamus quod ad certos dies & loca quos vos tres vel duo veſtrum ad hoc provideritis omnia & ſingula predicta ac inquiſitiones ſuper his factus, & confederationes covinas, alligationes, tranſgreſſiones & contemptus predictus, audiatis & terminetis in forma predicta, facturi inde quod ad juſticiam pertinet ſecundum legem & conſuetudinem regni noſtri. Salvis nobis amerciamentis

And that ye cauſe the ſame ordinance to be proclaymed, that they may be for ever circumſpectly obſerved in thoſe parts, and that ye cauſe all things elſe to be performed. Which for the ſafety and defence of the ſaid Marſh, and excluding and avoyding the ſame waters, ſhall be needfull and fit. And alſo to inquire by the oath of honeſt and lawfull men of the County of Kent of the confederacies, covens, and allegations aforeſaid, and alſo of ehe treſpaſſes and contempts to us by the ſaid Matthew and his complices in that behalfe made, and that ye heare and determine the ſame confederacies, covins, alligations, treſpaſſes, and contempts aforeſaid to be heard and determined according to the law and cuſtome of our Realme. And therefore we command you, that at certaine dayes and places which you, three or two of you ſhall limit in that behalfe, ye heare and determine all and ſingular the ſame buſineſſe, and the confederacies, covins, alligations, treſpaſſes and contempts aforeſaid in forme aforeſaid, and that ye doe further that which to juſtice ſhall appertaine, according to the law and cuſtome of our Realme. Reſerving to us the other amerceaments thereby accrewing. For we have commanded our

Sheriffe

Sheriffe of the ſame county, that at certaine dayes and places which you three or two of you ſhall appoint him, he cauſe to come before you, three or two of you, ſo many and ſuch honeſt and lawfull men of his Balywicke, by whom the truth of the matter in the premiſſes may be knowne and inquired. In witneſſe whereof &c. witneſſe &c. at Weſtminſter, the ſeventh day of February, in the yeare aboveſaid. By which mandate, the ſaid Thomas, Robert and Thomas, in the yeare day & place aforeſaid, by conſent of the Lords, Bayliffes, 24. Jurors and Communalty of the ſame Marſh, that is to ſay, by John Francis the Attorny of Lord Simon of Canterbury, Archbiſhop of Canterbury, the Abbot of S. Auguſtine of Cant. the Prior of Chriſtes Church of Cant. Simon, maiſter of the houſe of Gods gifts, Edmond Staplegate, Lord of Bilſington the leſſe, and other Lords hereunto ſpecially choſen, with certaine alſo of the Communalty, to wit, by William of Ecchingham, and Stephen de Valeyns Chriſtus, William de Horne, and James de Capele, hereunto for the ſaid Communalty elected, have ordained and eſtabliſhed that the common Bailiffe of Romney Marſh which hath lands and is alſo reſident there, be choſen by the common aſſent of the Lords of the

towns

mentis alliis inde ſpectantibus. Mandavimus enim vicecomiti noſtro comitatus predicti, quod ad certos dies & loca, quos vos tres vel duo veſtrum ei ſcire faciatis venire faciat coram vobis tribus vel duobus veſtrum tot & tales probos & legalis homines de Balliva ſua per quos rei veritas in premiſſis melius ſcire poterit & inquiri. In cujus rei teſtimonium &c. Teſte &c. apud Weſtmonaſter. decimo ſeptimo die Februarii Anno ſupradicto. Per quod mandatum iidem Thomas, Robertus, & Thomas, anno die & loca ſupradictis per cõſenſum Dominorũ, Ballivi, viginti quatuor Iuratorum & cõmunitatis ejuſdem mariſci videlicet per Iohannem Frances Attornatum domini Simonis Cantuarienſis Archiepiſcopi, Abbatem ſancti Auguſtini Cantuarienſis Priorẽ Eccleſie Chriſti Cantuarienſis, Simonem magiſtrum domus dei donorum, Edmundum Staplegate, dominum de Bilſington inferiori, & ceteros dominos ad hoc ſpecialiter electos, cum quibuſdam etiam communitatis ſcilicet per Wilhelmũ de Ecchingham, & Stephin de Valeyns Chriſtus, Wilhelmum de Horne, & Iacobum de Capele ad hoc pro predicta communitate electos, ordinaverunt & ſtatuerunt quod communis Balliuus mariſci de Romene, qui terras habet ſi

mul & resideat eligatur per communem as-
sensum dominorū villarum ejusdem mariſci
vel per Attornatos ſuos ſpeciales & ubi ma-
jor pars eorum numero conſenſerit ſtabitur
electióni in laſtis tenendis apud Demecher-
che vel Newcherch, aut aliis locis congruis,
infra precinctum dicti mariſci infra quin-
denam ſancti Michaelis annuatim per ſum-
monitionem ballivi predicti niſi infra an-
num illum ex neceſſitate & cauſa rationabili
oporteret balliuum illum amoveri, & alium
loca ſuo poni. Et ſi electus ille preſens fuerit
& officium ilud admitere noluerit amercie-
tur ſtatem in quadraginta ſolidis quos ſub-
ſequens balliuus de bonis & cattallis ſuis le-
vari faciat ad communem utilitatem mariſci
predicti. Et ſic fiat nova electio incontenenti
alterius ballivi qui Iuramentum & officium
illud admittat, & habeat pro labore ſua dupla
levanda que tempore ſuo de Scottis aſſeſſis
& levatis contingant ac etiam dupla omni-
um denariorum ſuorum in neligentia alio-
rum, quorumcunq appoſitorum. Et ſi electus
ille impoſterū per quoſcunq; impediatur, quo
minus electus ille officium illud admittere
non audeat, ſtatim hujus impedientes per e-
lectores predictos puniātur ſingulatem prout
dictus balliuus puniretur, ſi iuramentum fa-

cere

townes of the ſame Marſh, or by their ſpeciall Attorneys, and where the greater part of them in number ſhall agree, their choiſe ſhall ſtand in keeping aſſemblies at Domecherch or Newcherch, or other meete places within the precinct of the ſaid Marſh, in quindena of Saint Michaell yearely by the ſummons of the ſaid Bailiffe, except within that yeare for ſome neceſſarie and reaſonable cauſe, that Bailiffe ought to be put out, and another ſet in his place, And if hee which is choſen being preſent, will not take upon him that office, hee ſhall bee forthwith amerced in forty ſhillings, which the ſucceeding Bayliffe may cauſe to be levied of his goods and cattals for the common benefit of the ſame Marſh. And ſo let their be a new choiſe made forthwith of another Bailiffe, which will allow of the oath and office, and let him have for his labour the fines to bee levied which happen of the aſſeſments, and alſo the double of all his Tenths laid out for the negligence of others whatſoever. And if he which is choſen bee after wards hindred by any, whreby after hee is choſen, he dare the leſſe take upon him that office, forthwith thoſe hinderers ſhall be ſeverally puniſhed by the ſame chooſers, as the ſame Bailiffe ſhould bee puniſhed, if he would refuſe the ſame oath and office: and if it happen

that

that hee in the time of his election ſhall be abſent, hee ſhall bee forthwith diſtreined by the preceeding Bailiffe of the ſaid Marſh, by all his goods and cattalls, and they ſhall bee beſtowed in places meet and accuſtomed, and there detained, untill hee ſhall come to the Archbiſhop of Canterbury, the Abbot of S. Auguſtine, the Prior of Chriſts Church in Canterbury, which for the time ſhall be, or to one of them, which for the time ſhall bee, and will performe the oath, and thereupon ſhall bring their letters marked with their ſeales to the preceeding Baliffe, and ſhall doe the ſame within ſix dayes next after the ſame choiſe made, otherwiſe let him bee payed as is aforeſaid, and ſtraightway let a new choiſe be made. At which principal aſſembly, the ſaid common Collectors of all the preceeding generall aſſeſments, and alſo the defrayers thereof, ſhall accompt before the ſaid Lords or their Attourneys, if they will be preſent, unto the Bailiffe, 24. Jurors, and communalty of the ſame Marſh, and let the accompt be done by Jndentures made betweene them, and the Bailiffe, and 24. Jurors and communalty of the ſame Marſh, let the accompt of the Bailiffe for thoſe things which happen to him be done in the ſame maner. And if any of the ſame, 24. Jurors do make default in the ſaid principall aſſem-

cere & officium illud admittere noluerit. Et si contingat, quod ille tempore electionis absens fuerit statim per balliuum mariſci tunc predeceſſorem exiſtentem diſtringetur per omnia bona & catella ſua & impertiantur locis congruis & conſuetis, & ibidē detineantur quoſque; Archiepiſcopo Cantuarienſis Abbati ſancti Auguſtini priori Eccleſie Chriſti Cantuarienſis qui pro tempore fuerint, vel uni eorum acceſſerit & officium illud admiſerit, & ſacramentum ſuum preſtaverit, & ſuper hoc literas ſuas ſingulis ſignatas detulerit Ballivo predeceſſori ſuo, & hoc faciet infra ſex dies proxime poſt dictā electionē factam, alioquin puniatur, ut predictum eſt, & ſtatim fiat nova electio, ad quod laſtum principale predicti communes Collectores omnium precedentium generalium ſcottorum & etiam expenditores coram dominis predictis, vel eorum attornatis ſi intereſſe velint Ballivo vigenti quatuor Juratoribus & communitate mariſci predicti computabunt & fiat computum inſcriptum per indenturas factas inter ipſos & Ballium ac viginti quatuor Juratores & Communitatem predicti mariſci eodem modo fiat computum Ballivide his, qui ſibi contingat computare. Et ſi aliquis predictorum viginti

quatuor

quatuor Juratorum faciat defaltum in predicto lasto principali, nisi rationabilem habeat excusationem, amercietur in duodecem denariis ad opus communitatis per Balliuum levandis. Et si contingat quod aliquis viginti quatuor Juratores discedat infra annum, vel amoveri oporteat loco suo alius aligatur & ponatur in lasto principali predicto per dominos feodorum balliuum viginti quatuor Juratores & communitatem de fidelioribus sapientia & ditioribus ejusdē marisci usq; ad numerum predictorum viginti quatuor completorum. Eodem modo fiat de Collectoribus & expenditoribus, ita quod non eligantur de predictis viginti quatuor Juratoribus si domini predicti interesse velint. Et si quis predictorum viginti quatuor Juratorum Collectorum vel expenditorum electus fuerit, & sacramentum prestare noluerit, amercietur in viginti solidis loco suo eligatur & oneretur. Et si predicti viginti quatuor Juratores summoniti fuerint ubique infra precinctum dicti marisci ad communem vel seperale lastum, ubi adminus preter octo vel decem eorum non venerunt, ita quod judicium & awarde pro salvatione marisci predicti non fiant pro defectu majoris numeri absentium amercietur unusquisque

assembly, unlesse he hath a reasonable excuse, shall be amerced in 12. pence, to the use of the Communalty to bee levied by the Baliffe. And if it happen that any of the 24. Jurors depart within the yeare, or ought to be put out of his place, others must be chosen, and set in the principall assembly, by the lords of the Fees, the Bailiffe, the 24 Jurats, and Communalty of best discretion and ability of the same marsh, to make up the same number of foure and twenty. In like manner also let be done touching the Collectors and defrayers, so that they may not be chosen of the said Jurors, if the same Lords will be present. And if any of the said 24. Jurors, Collecters, or Disbursers shall be chosen, and will not be sworne, let him be amerced in twenty shillings, to be levyed as is aforesaid, and forthwith others chosen and charged in their stead. And if the said foure and twenty Jurats shall be summoned wheresoever within the precinct of the said marsh, at a common or speciall meeting, where all but eight or tenne of them at the least were absent, so as judgement and awarde for safety of the said marsh may not be made, for safety of the same marsh, in defalt of the greater number being away, every of them being absent, shall be amerced by the Bayliffe in six pence, as is aforesaid, to be levyed. Of which

and

and other like things, the ſaid Bayliffe ſhall accompt in the principall aſſembly aboveſaid. Alſo every of the ſaid 24. Iurors ſhall ſweare, that he will make true judgements and awards with his fellowes Iurates, without ſparing any, rich or poore, as well touching taking diſtreſſes, as of the walles, lands, watergauges, Sewers, ditches and Gutters, bridges, and other impediments Whatſoever, happening with in the precinct of the ſame marſh, to be removed, and to puniſh offences. And that they be attendant on the Bailiffe of the ſaid marſh, the diſtreſſes taken and deteyned by the ſpace of three dayes and more to praiſe and ſell in places accuſtomed, and that he cauſe all the judgements and awards by them made, to be inrouled, and indentures thereof to be made between them and the Bailiffe of the ſame marſh, which for the time ſhall be. And the Collectors and defrayers choſen as is aboveſaid ſhall ſweare that they ſhall truely levie, collect and diſpoſe and alſo accompt of all aſſeſments impoſed by the Lords, Bayliffe, and 24. Iurors, or the greater part of them. And in like manner let it be made and obſerved in all watergauges, within the precinct of the ſaid marſh, and before the Lords of the Townes, if they will be preſent. Alſo the Bayliffe ſhall ſweare that he ſhall make true execution of the judgements

and

quisq; absens in sex denariis per Balliuum, ut predictum est levandes, de quibus & aliis similibus dictus Balliuus in principalli lasto supradicro computabit. Item quilibet predictorum viginti quatuor Juratorum, jurabit quod cum sociis suis juratis vere judicia & awarda faciat non parcendo alicui diviti aut pauperi tam districtionibus faciendis qaum de walliis landiis watergagiis Seweris soueis & Gutteris pontibus & alliis impedimentis quibuscunque infra precinctum mariſci predicti contingendis amovendis & transgressiones puniendis, & quod sint intendentes ballivo mariſci predicti ad districtiones captas & impercatas per tres dies & plus appreciandum & vendendum locis consuetis, & quod ipse omnia judicia & awarda per ipsos facta irrotulare & indenturare inde faciat inter ipsos & balliuum predicti mariſci qui pro tempore fuerit. Item Collectores & expenditores electi ut supradictum est, jurabunt quod fideliter levabunt colligent & expendent, & computabunt de omnibus scottis, assessis per dominos balliuum & viginti quatuor Juratorum vel majorem partem eorundem. Et eodem modo fiat & observetur in omnibus aquagaugiis infra precinctum dicti mariſci, & coram dominis villarum

villarum cujuſcunq; intereſſe velint. Item ballivus jurabit quod ipſe fidelis executiones faciat de judiciis & conſiderationibus predictorum viginti quatuor Iuratorum & de hisque ad ipſos pertinent judicare & awardare. Et quod ipſe in propria parſona ſua omnes collectores & expenditores tam generales ſcottas quam ſeparales aquagaugias aſſeſſas ut predictum eſt onerabit per Sacramentum fideliter levare colligere expendere & computare. Et quod in propria perſona ſuperuideat omnes wallias, landeas, watergaugias, Seweres, gutteras & pontes, quando neceſſe fuerit ad minus bis in anno ſemel in menſe Ianuarii, & ſecundo menſe Iunii. Et quod liberabit ſucceſſori ſuo omnes evidentias quas penes ſe habet tam Cartas regum Anglie libertates & conſuetudines ejuſdem mariſci continentes, quam rotulos judiciorum conſiderationem & awardarum per predictos viginti quatuor Iuratores cum omni proceſſu computorum collectorum & expenditorum quorumcunque tempore ſuo habito. Et habeat Clericus hujus ballivi pro labore ſuo de communitate mariſci predicti ſex ſolidos octo denarios. Non liceat alicui de cetero facere dammas vel fordas aut alia impedimenta in aliquibus landeis, watergaugeis

and arbiterments of the same foure and twenty Iurors, and of those things which appertaine to them to judge and award, and that he in proper person all the Collectors and defrayers, as well the generall, as severall assesments, as is aforesaid, shall charge by oath faithfully to levie, collect, bestow and accompt. And that in proper person he overses all the Walls, lands, watergages, gutters and Bridges, when it shall be needfull, at least twice in the yeare, once in the month of January, and the second time in the month of Iune. And that he shall deliver to his successor all the Evidences which be in his custody, as well Charters of the Kings of England, containing liberties and customes of the same Marsh, as rowles of judgements, considerations and awards, by the aforesaid 24. Iurors, withall the proceedings of the accompts, collections and expences whatsoever in his time had. And that the Clearke of this Bayliffe may have for his labour of the Communalty of the same Marsh, six shillings eight pence. And that it be not lawfull henceforth to make dams or fourds or other impediments in any lands, watergauges, ditches or common Conduits in the aforesaid Marsh, whereby the right course of waters may in any wise be hindred. And if any doe it, and it be testified by the Bayliffe and six of the Jurors, or by the Communalty of the Conduits where dammage shal be done; let him be presently amerced according to the quantity of the offence, by the said Bayliffe, and 24. Jurates, and

forthwith levied for common benefit, as is aforesaid. And nevertheleſſe, if any other then the Communalty ſhall be hurt thereby, and the ſame be proved by teſtimony of the Bayliffe, and ſix of the Jury, let him recompence the damnified. Alſo they ordained and eſtabliſhed, that every aſſeſsment in the ſame Marſh ſhould be proclaimed in certain publique places, and that day of payment thereof be aſſigned and proclaimed, that none ignorance may excuſe when and in what place it ought to be paid. Alſo they have ordained and eſtabliſhed, that every Acre for the walls & watergauges, be bought for forty ſhillings. And that it be not lawfull for any one, to take away labourers being in common worke, for his owne private buſineſſe, nor to keepe them in any other place, untill the ſame Worke be finiſhed. And if any one be convinced thereof, by teſtimony of the Bayliffe and Jurors in common aſſembly; he ſhall be amerced in ten ſhillings, which muſt be levyed forthwith by the ſaid Bayliffes, to the common profit as above; &c. Alſo they ordained and eſtabliſhed, that all the Conduits within the ſaid Marſh, through all the lands and Tenements in every watergauge be ſo kept, that is to ſay, that the water runne not downe out of the right courſe, to the dammage of any body, under paine of the quantity of the offence; to be levyed by the Bayliffe to the uſe of the communalty, when any one is thereupon convicted by teſtimony of the Bayliffe and ſix of the Jurors in a common aſſembly.

And

gaugeis foſſatis, ſive a quagiis cõmunibus in mariſco predicto, per quod rectus curſus aquarum in aliquo impediatur: Et ſi fecerit & hoc teſtificatum ſuerit per Ballivum & ſex de juratis vel communitate aquagii ubi damnum fuerit; ſtatim amercietur ſecundũ quantitatem delicti per predictos Ballivũ & viginti quatuor Juratores: & ſtatim levetur ad communem utilitatem ut predictum eſt. Et nihilominus ſiquis alius quam communitas læſus fuerit ea de cauſa & hoc per teſtimonium Ballivi & ſex Juratorum probatum foret; ſit ſatisfactum læſo. Item ordinaverunt & ſtatuerunt quod quilibet aſſeſſus in dicto mariſco proclametur certis locis publicis; & dies ſolutionis inde aſſignetur & proclametur ut ignorantia ulla ſe excuſare non poſſit quando & quo loco ſolvi debeat. Item ordinaverunt & ſtatuerunt quod quælibet acra pro walliis & watergaugeis ematur pro quadraginta ſolidis. Et quod non liceat alicui aliquos operarios in communi opere exiſtentes, ad opus ſuum ſingulare, nec aliquo alio abducere antequam dictum opus perficiatur & ſi aliquis ſuper hoc convincatur per teſtimonium Ballivi & juratorum in communi laſto amercietur in decem ſolidis qui per Ballivum predictum incontinenter levari debent ad communem utilitatem ut ſupra. Item ordinaverunt & ſtatuerunt quod omnes aquagii infra dictum mariſcum per quaſcunque terras & tenementa in quolibet aquagio ſic cuſtodiantur, videlicet quod aqua non diſcurrat extra rectum curſum ſuum,

ad damnum alicujus sub pæna quantitatis delicti per Ballivū predictum ad opus cōmunitatis levandi cum quis super hoc incommuni lasto per testamentum Ballivi & sex Juratorum convincatur. Et quia ab antiquo conceditur per dominū regem quod omnes terræ maritimæ custodiantur per leges, ordinationes, statuta & consuetudines predicti mariſci de Romone ab Insula Thaneti usque Penensis, tam in comitatu Cancie quam in comitatu Suſſex, licitum sit predictis Ballivo & viginti quatuor juratoribus sumptus suos rationabiles petere, et habere de his qui eos ad loco ducere velint sive domini sive de Communitate ubi ordinationem suam secundū legem maritimam tam in walliis quam in watergaugiis Gutteris Seweris Pascariis, & aliis quibuscunque, dictam legem tangentibus facere debeant. Item ordinaverent & statueruut quod si quis rescussum Balivo mariſci vel ministris suis faceret de districtionibus quibuscunque captis super quoscunque occasione articulorum præmissorum aut alicujus ordinationis pro utilitate dicti mariſci facte sive faciende & super hoc per testimonium Ballivi predicti & sex vel octo Iuratorum, de predictis viginti quatuor; vel aquagii ubi districtio capi contigerit, convincatur per amerciamentum viginti solidorum, ad opus Communitatis levandorum per ballivum, ut supra Eodem modo fiat in locis ubi lex maritima currit inter Insulam Thaneti & penensi sive in comitatu Kancie, sive in comitatu Suſſex.

FINIS

And because of old it is raised by our Lord the King, that all the lands neere to the sea coasts be kept by Lawes, Ordinances, statutes and customes of the said Marsh of Romney, from the Isle of Thanet unto Penensis, as well in the county of Kent, as in the county of Sussex, it may be lawfull for the said Bayliffe and 24. Jurors, to ask and have their reasonable costs of those which wil bring them to places, whether they be Lords, or of the Communalty, where they ought to make their ordinance according to the law of the Sea coast, as well in Walls as in watergauges, Gutters, Sewers, Fishings, and other things whatsoever touching the same law. Also they have ordained and established, that if any make rescues upon the Bayliffes of the Marsh, or his ministers for any distresses whatsoever taken upon whomsoever, by occasion of the same Articles, or any Ordinance made or to be made for the benefit of the said Marsh, and thereupon by testimony of the said Bayliffe, and six or eight of the Iurors of the said toure and twenty, or of the Conduit where the distresse shall happen to be taken, he be convicted let him be punished by amercement of twenty shillings, to be levyed to the use of the communalty by the Bayliffe as aforesaid. In like manner let be done in places where the law of the borders runneth twixt the Isle Thanet and Penensis, or in the County of Kent, or in the County of Sussex.

FINIS.